

22.07.2022

serial no. **27**

Dd

**CPAN 148 of 2021
In
WPA 9567 of 2019**

**Debabrata Dey
Vs.
Smt. Mukta Arya**

Mr. Sankar Prashad Dalapati,
Mr. Safik Dewan, , Advocates
... .. for the Petitioner

Mr. T. M. Siddiqui,
Mr. Nilotpal Chatterjee, Advocates
... .. for the alleged contemnor

Petitioner complains of violation of the order dated June 18, 2019.

Learned advocate appearing for the alleged contemnor submits that an appeal was carried against order dated June 18, 2019 which was disposed of by an order dated December 5, 2019 passed by the Hon'ble appeal Court.

By the order dated December 5, 2019 the Appeal Court observed that since no point was decided by the order dated June 18, 2019, the appellant before the Appeal Court was free to raise all points available in defence before the authority.

The appellant applied for addition as party in the present contempt petition which was rejected by the order dated March 4, 2021.

Today an affidavit of compliance is filed in Court which be taken on record.

It appears from such affidavit that the authorities conducted proceedings and arrived at a finding as recorded in the order dated September 9, 2021.

The order dated June 18, 2019 violation of which is complained of herein, required the authorities to conclude the proceedings initiated under the Inland Fisheries Act, 1984 for restoring a water body.

The order of the authorities dated September 9, 2021 concluded the proceedings under the Inland Fisheries Act, 1984.

In such circumstances, it cannot be said that alleged contemnor is in wilful violation of the order dated June 18, 2019.

Accordingly, CPAN 148 of 2021 in WPA 9567 of 2019 is disposed of.

(Debangsu Basak, J.)